

**ENTERED**

September 21, 2021

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

ALEJANDRO ORTIZ,  
“Plaintiff”.

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V.

Civil Action No. 1:21-cv-00021

CESAR MARTINEZ PEREZ, ET AL.,  
“Defendants”.

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## **ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court are these pleadings: Plaintiff's "Original Petition, Request for Temporary Restraining Order and Temporary Injunction, Request for Disclosure, Request for Admission, Request for Production, and First Set of Interrogatories to Defendants" ("Complaint") (Dkt. No. 1-6), Defendant Jams Logistics, LLC d/b/a Benitez Transport's ("Defendant Jams") "Motion for Summary Judgment and Brief in Support" ("MSJ") (Dkt. No. 15), and the "Magistrate Judge's Report and Recommendation" ("R&R") (Dkt. No. 15).

The R&R recommends this Court grant Defendant Jams' MSJ (Dkt. No. 15) based on Plaintiff's failure to respond or otherwise contest the MSJ's factual or legal allegations. *See id.* at 4. Objections were due August 25, 2021. FED.R.CIV.P. 72(a). No objections were filed by either party. When no objections are filed to a magistrate judge's ruling, the district court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Finding no clear error, abuse of discretion, or finding contrary to law, the R&R is **ADOPTED**.

Thus, Defendant Jams' MSJ (Dkt. No. 15) is **GRANTED**. Plaintiff's claims in the Complaint (Dkt. No. 1-6) relative to Defendant Jams are **DISMISSED WITH PREJUDICE**.

Signed on this 20<sup>th</sup> day of September, 2021.

Rolando Olvera  
United States District Judge